

**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE, NO. 01-244  
(Judge Charles W. Cope)

Case No. SC01-2670

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**SPECIAL COUNSEL'S EMERGENCY MOTION**

**TO QUASH DEPOSITIONS**

The Special Counsel hereby moves to quash the depositions set for Bonnie Sue Barr, Stephen R. Hance, Thomas McCann, Jr., Tara Trumler, and Gary Wright and in support thereof states:

1. On June 10, 2002, Special Counsel served an Emergency Motion For Protective Order Regarding Evidence of Victim's Reputation or Prior Sexual Activities, in which the Special Counsel sought to prohibit discovery, including the depositions of Bonnie Sue Barr, Stephen R. Hance, Thomas McCann, Jr., Tara Trumler, and Gary Wright.

2. On June 13, 2002, the Chair granted the motion.

3. Nonetheless, Judge Cope's counsel has refused to cancel these depositions, on the representation that there were other matters beyond the scope of the Protective Order on which he wishes to depose the witnesses.

4. By letter dated June 13, 2002, the Special Counsel requested a proffer. A true and correct copy of this letter is attached as **Exhibit A**.

5. To date, no such proffer has been received.

6. The Special Counsel is unaware of any legitimate basis for these depositions to go forward.

WHEREFORE, the Special Counsel hereby moves for an order quashing the notices of deposition for Bonnie Sue Barr, Stephen R. Hance, Thomas McCann, Jr., Tara Trumler, and Gary Wright.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by facsimile and regular U.S. mail to: **Robert W. Merkle, Jr., Esq.**, Co-Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602 this 14th day of June, 2002.

By:  
John S. Mills, Esq.  
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